

Atty. Dkt. No. 037768-0109

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Tapesb Yadav  
Title: COLOR PIGMENTS  
NANOTECHNOLOGY  
Appl. No.: 10/724,158  
Filing Date: 12/01/2003  
Examiner: C. Melissa Koslow  
Art Unit: 1755

<b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.  <u>LYNDA A. OERTEL</u> (Printed Name)  <u>Lynda A. Oertel</u> (Signature)  <u>Oct - 20, 2005</u> (Date of Deposit)
--

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This terminal disclaimer has three parts (I, II, and III.)

Further, your Petitioner represents that it is the owner of U.S. Patent Application No. 10/441,501, filed May 20, 2003, which is a child of U.S. Patent Application No. 09/753,806, filed January 3, 2001, by virtue of an Assignment filed and recorded on September 18, 2005, on Reel/Frame 016547/0085, in the United States Patent and Trademark Office, a copy of the PAIR printout is attached hereto as **APPENDIX I-B**.

I. Your Petitioner, NanoProducts Corporation, having its principal place of business at 14330 Long Peak Court, Longmont, CO 80504, represents that it is the owner of the entire right, title, and interest in and to U.S. Patent Application No. 10/724,158, filed December 1, 2003, by virtue of an Assignment filed and recorded on December 1, 2003, on Reel/Frame 014752/0989, in the United States Patent and Trademark Office, a copy of which is attached hereto as **APPENDIX I -A**.

WASH\_1484192.1

Atty. Dkt. No. 037768-0109  
Appl. No. 10/724,158

Your Petitioner, NanoProducts Corporation, hereby disclaims the terminal part of the term of any patent granted on U.S. Patent Application 10/724,158 which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of any patent granted on U.S. Patent Application 10/441,501, and hereby agrees that any patent so granted on U.S. Patent Application 10/724,158 shall be enforceable only for and during such period that the legal title to any patent granted on U.S. Patent Application 10/441,501 shall be the same as the legal title to any patent granted on U.S. Patent Application 10/724,158, this agreement to run with any patent granted on U.S. Patent Application 10/724,158 and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on U.S. Patent Application 10/724,158, prior to the full statutory term of any patent granted on U.S. Patent Application 10/441,501 as defined in 35 U.S.C. §§154-156 and 173, in the event that any patent granted on U.S. Patent Application 10/441,501 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC § 154, prior to the full statutory term of any patent granted on U.S. Patent Application 10/441,501 as defined in 35 USC §§ 154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on U.S. Patent Application 10/724,158 that would extend beyond the present termination of any patent granted on U.S. Patent Application 10/441,501, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§ 155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on U.S. Patent Application 10/724,158 to the extent provided by law.

Atty. Dkt. No. 037768-0109  
Appl. No. 10/724,158

The undersigned, being the Attorney of Record for U.S. Patent Application 10/724,158, and duly authorized to act on behalf of Petitioner, certifies that he has reviewed the information attached as **APPENDICES I-A and I-B**, and to the best of his knowledge and belief, legal title to U.S. Patent Application 10/724,158 and any patent granted on U.S. Patent Application 10/441,501 rests with Petitioners, NanoProducts Corporation.

II. Further, your Petitioner represents that it is the owner of U.S. Patent No. 6,830,822, which issued on U.S. Patent Application No. 10/449,278, filed May 30, 2003, by virtue of an Assignment filed and recorded on May 28, 2004, on Reel/Frame 014667/0624, in the United States Patent and Trademark Office, a copy of the PAIR report is attached hereto as **APPENDIX II-B**.

Your Petitioner, NanoProducts Corporation, hereby disclaims the terminal part of the term of any patent granted on the above identified patent application which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent 6,830,822, and hereby agrees that any patent so granted on the above identified patent application shall be enforceable only for and during such period that the legal title to U.S. Patent 6,830,822 shall be the same as the legal title to any patent granted on the above identified patent application, this agreement to run with any patent granted on the above identified patent application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above identified patent application, prior to the full statutory term of U.S. Patent 6,830,822 as defined in 35 U.S.C. §§ 154-156 and 173, in the event that U.S. Patent 6,830,822 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC § 154, prior to the full statutory term of U.S. Patent 6,830,822 as

Atty. Dkt. No. 037768-0109  
Appl. No. 10/724,158

defined in 35 USC §§ 154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on the above identified patent application that would extend beyond the present termination of U.S. Patent **6,830,822**, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§ 155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on the above identified patent application to the extent provided by law.

The undersigned, being the Attorney of Record for the above identified patent application, and duly authorized to act on behalf of Petitioner, certifies that he has reviewed the information attached as **APPENDICES I-A and II-B**, and to the best of his knowledge and belief, legal title to the above identified '**158** application and U.S. Patent **6,830,822** rests with Petitioners, NanoProducts Corporation.

III. Further, your Petitioner represents that it is the owner of U.S. Patent No. **6,849,109**, which issued on U.S. Patent Application No. **10/455,874**, filed **June 6, 2003**, by virtue of an Assignment filed and recorded on **June 4, 2004**, on Reel/Frame **014696/0674**, in the United States Patent and Trademark Office, a copy of the PAIR report is attached hereto as **APPENDIX III-B**.

Your Petitioner, NanoProducts Corporation, hereby disclaims the terminal part of the term of any patent granted on the above identified patent application which would extend beyond the full statutory term, as shortened by any terminal disclaimer, of U.S. Patent **6,849,109**, and hereby agrees that any patent so granted on the above identified patent application shall be enforceable only for and during such period that the legal title to U.S. Patent **6,849,109** shall be the same as the legal title to any patent granted on the above identified patent application, this agreement to run with any patent granted on the above identified patent application and to be binding upon the grantee, its successors or assigns.

Atty. Dkt. No. 037768-0109  
Appl. No. 10/724,158

In making the above disclaimer, Petitioner does not disclaim any terminal part of any patent granted on the above identified patent application, prior to the full statutory term of U.S. Patent 6,849,109 as defined in 35 U.S.C. §§ 154-156 and 173, in the event that U.S. Patent 6,849,109 expires for failure to pay a maintenance fee, is held unenforceable or is found invalid in a final judgment by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321(a), has all claims canceled by a reexamination certificate or as a result of an interference proceeding, or is otherwise not deemed to provide the rights conveyed by 35 USC § 154, prior to the full statutory term of U.S. Patent 6,849,109 as defined in 35 USC §§ 154-156 and 173, except for the separation of legal title stated above. Further, Petitioner does not disclaim any terminal part of a patent granted on the above identified patent application that would extend beyond the present termination of U.S. Patent 6,849,109, in the event that such present term is extended by virtue of compliance with the conditions for term extension of any present or future patent term extension provisions of the patent law, including but not limited to 35 U.S.C. §§ 155, 155A or 156, and without waiving Petitioner's right to extend the term of a patent granted on the above identified patent application to the extent provided by law.


Atty. Dkt. No. 037768-0109  
Appl. No. 10/724,158

The undersigned, being the Attorney of Record for the above identified patent application, and duly authorized to act on behalf of Petitioner, certifies that he has reviewed the information attached as **APPENDICES I-A and III-B**, and to the best of his knowledge and belief, legal title to the above identified '158 application and U.S. Patent 6,849,109 rests with Petitioners, NanoProducts Corporation.

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing therefrom.

Respectfully submitted,

Date 10-20-2005  
FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 295-4166  
Facsimile: (202) 672-5399

By   
Sean A. Passino  
Attorney for Applicant  
Registration No. 45,943